

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

MEGAN HANFORD,

Plaintiff,

V.

NANCY A. BERRYHILL, Deputy  
Commissioner of the Social Security  
Administration for Operations,

**Defendant.**

CASE NO. 2:16-cv-0921 JRC

**ORDER GRANTING  
UNOPPOSED MOTION FOR  
ATTORNEY'S FEES PURSUANT  
TO 42 U.S.C. § 406(b)**

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 4; Consent to Proceed Before a United States Magistrate Judge, Dkt. 5). This matter is before the Court on plaintiff's unopposed Motion for Attorney's Fees Pursuant to 42 U.S.C. § 406(b) (*see* Dkt. 17, amended at Dkt. 18).

The Court may allow a reasonable fee for an attorney who represented a Social Security Title II claimant before the Court and obtained a favorable judgment, as long as such fee is not in

1 excess of 25 percent of the total of past-due benefits. *See* 42 U.S.C. § 406(b)(1); *Grisbrecht v.*  
2 *Barnhart*, 535 U.S. 789 (2002). When a contingency agreement applies, the Court will look first  
3 to such agreement and will conduct an independent review to assure the reasonableness of the  
4 fee requested, taking into consideration the character of the representation and results achieved.  
5 *See Grisbrecht, supra*, 535 U.S. at 807, 808 (footnote omitted) (citations omitted). Although the  
6 fee agreement is the primary means for determining the fee, the Court will adjust the fee  
7 downward if substandard representation was provided, if the attorney caused excessive delay, or  
8 if a windfall would result from the requested fee. *See Crawford v. Astrue*, 586 F.3d 1142, 1151  
9 (9th Cir. 2009) (*citing Grisbrecht, supra*, 535 U.S. at 808).

10       Here, the representation was standard, at least, and the results achieved excellent (*see*  
11 Dkt. 17, Attachment 3). *See Grisbrecht, supra*, 535 U.S. at 808. Following remand from this  
12 Court for further consideration (*see* Dkt. 13), plaintiff was awarded benefits. There has not been  
13 excessive delay and no windfall will result from the requested fee.

14       Plaintiff's total back payment was \$124,176.00 (*see id.*, pp. 1, 3). Plaintiff has moved for  
15 an attorney's fee of \$23,750.00 (*see* Amended Motion, Dkt. 18, p. 1), and the Court has  
16 considered plaintiff's gross attorney's fee of \$23,750.00 and the EAJA award received by  
17 plaintiff's attorney in the amount of \$9,038.30 (Dkt. 15). *Parish v. Comm'r. Soc. Sec. Admin.*,  
18 698 F.3d 1215, 1221 (9th Cir. 2012).

19       Based on plaintiff's unopposed motion and supporting documents (*see* Dkt. 17,  
20 Attachments 2, 3, 4, Dkt. 18), it is hereby ORDERED that attorney's fees in the amount of  
21 \$14,711.70 (\$23,750.00 - \$9,038.30) be awarded to plaintiff's attorney pursuant to 42 U.S.C. §  
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1 || 406(b). The Social Security Administration is to release the remaining backpay (including the  
2 previously awarded EAJA fees in the amount of \$9,038.30) to plaintiff.

3 Dated this 30th day of May, 2018.

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6 J. Richard Creatura  
7 United States Magistrate Judge  
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